

REMARKS/ARGUMENTS

The Office Action dated June 30, 2004, and the references cited therein have been carefully reviewed in light of the Examiner's helpful comments and suggestions.

As a result of the Office Action, claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Moreover, claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Thompson, and claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Thompson, and further in view of Zeilinger. These references have been carefully reviewed but are not believed to show or suggest Applicant's invention as now claimed in any manner. Reconsideration and allowance of the pending claims and examination and allowance of the newly added claim is therefore respectfully requested in view of the following remarks.

By the above amendments, claim 1 has been canceled without prejudice, and new claim 6 has been added. No new matter has been added. Claims 2-5 have been amended to overcome those indefiniteness rejections and correct their dependencies. No new matter has been added.

First, the Examiner has provided no documentary support for his allegation that a person of skill in the art would have been motivated to combine these references. Applicant reasonably challenge the Examiner's alleged motivation pursuant to MPEP 2144.03 and respectfully request the Examiner to provide some

type of documentary evidence for this alleged motivation that be found in the prior art. Applicant contends that no such motivation in fact can be found in the prior art, as opposed to the Applicant's specification, which appears to have provided the motivation for the Examiner's rejection.

Second, according to MPEP 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. New claim 6 now requires an internally hollow object confining a hollow space for playing inside and a bottom portion, a circumferential edge bounding said bottom portion and for resting on the ground, the internally hollow object further comprising a thin shell configured as a mountain top, at least one chute extending from a top of said object to a bottom thereof and integral with the shell, at least one flight of steps extending from the top of said object to the bottom thereof and integral with said shell, a holding means extending from said top to beyond said bottom for inserting into the ground, and a plurality of securing means for anchoring and securing the object to the ground. The combination of Robinson and Thompson does not teach or suggest the shell, and the chute and the flight of steps that are integral with the shell. More specifically, Thompson does not teach a shell having a mountaintop configuration. Figure 1 of Thompson illustrates what appears to a "structure" without any disclosure in the specification. Clearly, the "structure" is not a shell having a mountaintop configuration. Therefore, it is respectfully submitted that claim 6 is patentable over the prior art combination.

Claims 2-5 are dependent from claim 6 and is therefore allowable for the reasons provided in connection with claim 6.

The prior art references made of record by the Examiner have each been considered but are not believed to obviate against the allowability of the claims as amended or the newly added claim. It is noted that none of these references have been specifically applied by the Examiner against any of the original claims.

Each issue raised in the Office Action dated June 30, 2004, has been addressed and it is believed that claims 2-6 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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